

REMARKS

Claims 1-18 are currently pending in the subject application and are presently under consideration. Claims 1, 4, and 18 have been amended as shown on pages 2-5 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-18 Under 35 U.S.C. §102(e)

Claims 1-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Jeong *et al.* (U.S. 7,089,004). This rejection should be withdrawn for at least the following reasons. Jeong *et al.* does not disclose or suggest each and every aspect set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The subject claims relate to searching neighbor cells within a fixed time duration.

Claimed aspects are useful for maintaining optimum communication and for facilitating handoff by a mobile station from one cell to another cell because the mobile station can maintain a list of neighboring cells and their respective signal strengths. Using a fixed time duration search technique, the mobile station can keep an accurate list of neighboring cells and their respective signal strengths while conserving battery power. Specifically, the fixed time duration search technique searches, during each cycle, a first list of cells from a ranked list and a second list comprising a subset of remaining cells that vary from cycle to cycle. The number of cells in the first list and the number of cells in the second list depend upon strength of the strongest cell in the ranked list of monitored cells. To this end, independent claim 1 (and similarly independent claims 4 and 18) recites *the number of cells in the first and second lists for each cycle is determined from strength of a strongest cell from the ranked list of monitored cells*.

Jeong *et al.* does not teach or suggest the aforementioned novel features as recited in the subject claims. Although Jeong *et al.* discloses a technique for scheduling searches of

neighboring cells. (*See e.g.* Abstract). Jeong *et al.* does not disclose basing the number of cells in the first and second lists for each cycle upon strength of the strongest cell. For example, Jeong *et al.* discloses classifying cells as groups with different priority levels where a higher priority group will preempt a lower priority group for a searching timeslot. (*See e.g.* col. 9, ll. 11-14; col. 11, ll. 12-16; Fig. 9). Jeong *et al.* also discloses searching the active cell at the same time as a neighboring cell, but does not disclose searching a group of active cells and a group of neighboring cells where the number of each group depends upon strength of the strongest cell. (*See e.g.* col. 11, ll. 4-6).

Applicants' claimed subject matter, in contrast, discloses searching both the first list (*e.g.* higher priority) and the second list (*e.g.* lower priority) at the same time while changing the size of the first and second lists depending upon strength of the strongest cell in the ranked list. For example, the number of higher ranked cells on the first list can be determined based upon a threshold that is calculated using signal strength of the strongest cell. Furthermore, the number of lower ranked cells on the second list is then limited by the available time selected for searching. Thus, the recited claims allow for searching a first list of cells from a ranked list and searching a second list of cells comprising a subset of the remaining cells, where the number of cells in the first list and in the second list is based upon strength of the strongest cell.

In view of the foregoing, applicants' representative respectfully submits that Jeong *et al.* fails to teach or suggest all limitations of independent claims 1, 4, and 18 (and claims 2, 3, and 5-17 that respectively depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 170026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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